REMARKS/ARGUMENTS

Claim 7 is allowed and claims 1-3 stand rejected in the outstanding Official Action. Claims 1-3 and 7 have been amended and therefore claims 1-7 remain in this application.

The Examiner's notification that the drawings originally filed on February 21, 2002 are accepted by the Examiner is very much appreciated. Additionally, the acknowledgment of applicant's claim for foreign priority and receipt of the certified copies of the priority documents is very much appreciated. Finally, the examiner's consideration and acknowledgment of the prior art submitted by applicant in its earlier Information Disclosure Statements is very much appreciated.

The specification is objected to because of various alleged informalities. On page 3, section 3 of the Official Action, the Examiner references "page 15, line 20" but applicant notes that the Abstract of the Disclosure is on page 12 of the application. Additionally, in the same clause the Examiner suggests that the word "mounted" is present in the Abstract of the Disclosure and yet applicant can find no reference to "mounted" therein. Finally, the examiner suggests the insertion of language "near the gap in transistor fashion" and applicant has no idea where this language came from or why the term "transistor" is used. Clarification of the objection to the Abstract and the proposed correction is respectfully requested.

The Examiner's objections and proposed correction to claim 1 at lines 7 and 12 and claim 7, lines 4 and 11, have been adopted. The Examiner also suggests that in claim

7, at line 7, an amendment should be made, but applicant cannot find the phrase "to check" at line 7. However, the Examiner may have intended to refer to line 11 in claim 7 where the phrase "to check" does appear and, if this is the suggested location of correction, the Examiner's proposed correction has been adopted.

Additionally, since claim 3 is intended to cover an alternative embodiment to that disclosed in claim 1, claim 3 has been rewritten in independent form to more clearly specify the claimed embodiment.

Claims 1-3, 4 and 6 stand rejected under 35 USC §103 as unpatentable over Hawk (U.S. Patent 3,949,596) in view of "Stauffer, A et al." in view of Kovacs (U.S. Patent 5,780,722) or Kepler (U.S. Patent 5,347,845). Applicant is uncertain as to which of the two Stauffer references the Examiner refers, as each one of the Stauffer references are only to a single inventor, Anton Stauffer, and thus cannot be properly referred to as "Stauffer et al."

Additionally, it is noted that Stauffer I (U.S. Patent 6,513,366) is not a reference against applicant's invention, as Stauffer was filed on October 11, 2001, after applicant's International PCT application was filed on June 26, 2001, which in turn is based upon a priority document filed June 28, 2000, long before the U.S. filing date of Stauffer I. For the purpose of responding to the outstanding Official Action, applicant will assume that the Examiner is referring to Stauffer II (U.S. Patent 5,513,516), but clarification of the basis for the Examiner's rejection is respectfully requested.

Applicant appreciates the three admissions in the Hawk reference cited in section 5 on page 4 of the Official Action, i.e., admissions that the Hawk reference is defective in teaching applicant's claimed invention. The Examiner admits that Hawk fails to teach "(1) conducting the leakage finding measurements upon an empty fluid container," "(2) on clearly comparing a pressure/vacuum difference found for a measured container with an acceptable pressure/vacuum level" and "(3) recording the exact location of leak sources so as to effect a later repair or [sic] such leak-prone area."

It is noted that the Stauffer II reference does not disclose the admitted missing features of applicant's independent claims (it is noted that claim 3 has been rewritten in independent form). Specifically, Stauffer clearly teaches away from leak testing on an empty fluid container, because it teaches a leak test made upon the completed or filled package with the contents sealed therein. Thus, Stauffer clearly teaches away from leakage finding measurements upon an empty fluid container, the first method step admitted by the Examiner to be missing in the Hawk reference.

While the Examiner suggests that Stauffer teaches comparing pressure/vacuum difference found, this is not the language of applicant's claim. Applicant's claim specifies "measuring the vacuum between the cover and said bagged region of the surface." In order to indicate the portion of the surface where the leak occurs, the bagged region must be somewhat less than all of the surface of the fluid container. As a result, the bagged region is less than the total region or surface of the container, and this is clearly missing from the Stauffer reference which applies its leak detection to the entire surface of the

container being tested. Thus, the second method step that the Examiner admits is missing from the Hawk reference is also missing from the Stauffer refernce.

Moreover, because the Stauffer reference tests the entire container, it is an "accept or reject" only and doesn't care where the leak is located. Its only system is to determine whether a leak exists and, if so, the packaging is discarded. Thus, Stauffer cannot teach the third step which the Examiner admits is missing from the Hawk reference, i.e. recording the exact location of the leak source so as to effect a later repair.

Because each of the three steps, which the Examiner admits are absent from the Hawk reference, are also absent from the Stauffer reference, it is incumbent upon the Examiner to demonstrate how or where these missing method steps are shown. The Examiner has failed to identify any portion of Kovacs or Kepler which discloses the admittedly missing method steps (1), (2) and (3) quoted in conjunction with the disclosure of the Hawk reference.

Applicant has reviewed the Examiner's discussion beginning with "likewise" near the bottom of page 5 and extending through the bottom of page 8 and cannot find any clear indication of where the Examiner believes Kovacs or Kepler to teach the admittedly missing method steps recited in applicant's claim 1. The Examiner is respectfully requested to specifically point to a column and line number in Kepler or Kovacs which teach each of the Examiner-admitted missing steps, i.e. (1), (2) or (3).

It is also noted that the Examiner provides no motivation or rationale of why one of ordinary skill in the art would combine the primary Hawk and Stauffer references or

with such combination would add the additional Kovacs and/or Kepler references. The Examiner is reminded that the burden is on the U.S. PTO to establish a *prima facie* case of obviousness and clearly this has not been done in the outstanding Official Action. As a result, any further rejection, absent the requested clarification noted above, of claims 1-3, 4 and 6 over the Hawk/Stauffer/Kovacs/Kepler combination is respectfully traversed.

Claim 5 appears to be rejected under 35 USC §103 as unpatentable over the Hawk, Stauffer, Kovacs or Kepler combination as previously applied and further in view of Youngquist (U.S. Patent 5,710,377). Inasmuch as this rejection relies upon the combination previously discussed and inasmuch as claim 5 depends from claim 1, the above comments regarding the Hawk, Stauffer, Kovacs or Kepler combination is herein incorporated by reference.

The Examiner's admits that the combined prior art references fail to teach "having an ultrasonic leak detector be used to monitor for leaks in a fluid holding container." While Youngquist clearly teaches an ultrasonic leak detector, there is no disclosure or reason for combining Youngquist with the Hawk, Stauffer, Kovacs or Kepler combination, nor has the Examiner provided any motivation or teaching suggesting such a combination. Accordingly, there is no *prima facie* basis for a rejection of claim 5 in view of the Hawk, Stauffer, Kovacs or Kepler and Youngquist combination and any further rejection thereunder is respectfully traversed.

The Examiner's indication that claim 7 is allowable over the prior art of record is very much appreciated. However, because the prior art does not teach a method of

detecting fluid leakage in any container capable of carrying fluid, the subject matter of applicant's invention should not be limited only to aircraft fuel tanks. Thus, while the allowance of claim 7 is appreciated, there is no basis for a continuing rejection of applicant's independent claim 1 or newly written independent claim 3 and therefore any further rejection of these claims and claims dependent thereon is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-7 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

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